

ORDINANCE NO. 11-52

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 45 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 5,276.25 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, TO ALLOW A SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 45 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 5,283.45 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, A NORTH SIDE SETBACK OF 5 FEET AND A SOUTH SIDE SETBACK OF 5 FEET, WHERE A SETBACK OF AT LEAST 5.1 FEET IS REQUIRED FOR EACH, AND TO ALLOW A SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 45 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 5,290.65 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, A NORTH SIDE SETBACK OF 5 FEET AND A SOUTH SIDE SETBACK OF 5 FEET, WHERE A SETBACK OF AT LEAST 5.1 FEET IS REQUIRED FOR EACH, CONTRA TO HIALEAH CODE § 98-499 AND §48-501. **PROPERTY LOCATED AT 2960-2980-2990 WEST 2 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of June 22, 2011, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a single-family home on a substandard-sized lot having a width of 45 feet, where

an average width of 75 feet is required, and a total area of 5,276.25 square feet, more or less, where a total area of at least 7,500 square feet is required, to allow a single-family home on a substandard-sized lot having a width of 45 feet, where an average width of 75 feet is required, and a total area of 5,276.25 square feet, more or less, where a total area of at least 7,500 square feet is required, a north side setback of 5 feet and a south side setback of 5 feet, where a setback of at least 5.1 feet is required for each, and to allow a single-family home on a substandard-sized lot having a width of 45 feet, where an average width of 75 feet is required, and a total area of 5,276.25 square feet, more or less, where a total area of at least 7,500 square feet is required, a north side setback of 5 feet and a south side setback of 5 feet, where a setback of at least 5.1 feet is required for each, contra to Hialeah Code § 98-499 and § 98-501, which provide in pertinent part: "The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet. " and "In the R-1 one-family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than five feet one inch or more than 7 ½ feet in width." Property located at 2960-2980-2990 West 2 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 14 AND LOT 15, IN BLOCK 178, OF TWELFTH
ADDITION TO THE TOWN OF HIALEAH,
ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 8, AT PAGE 127, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA

AND

TRACT D, IN BLOCK 178, OF REVISED PLAT OF PORTIONS OF TWELFTH ADDITION TO THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

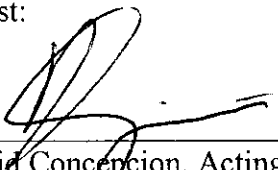
PASSED and ADOPTED this 26th day of July, 2011.



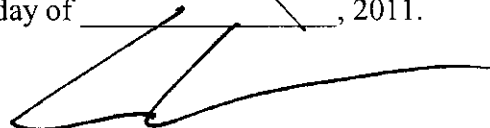
Isis Garcia-Martinez
Council President

Attest:

Approved on this ____ day of _____, 2011.

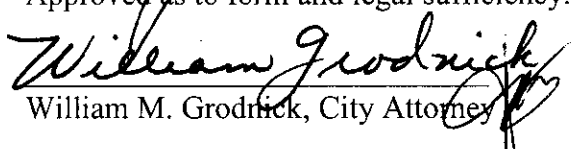


David Concepcion, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.